

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, PLAINTIFF-APPLICANT, V. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, DEFENDANT.	NO. 08-01789 (SMB) SIPA LIQUIDATION (SUBSTANTIVELY CONSOLIDATED)
IN RE: BERNARD L. MADOFF, DEBTOR.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC PLAINTIFF V. FEDERICO CERETTI, ET AL. DEFENDANTS.	Adv. Pro. No. 09-1161 (SMB)

[PROPOSED] ORDER DISMISSING FOURTH AMENDED COMPLAINT

This matter coming before the Court on the Motion to Dismiss of defendants, Kingate Global Fund, Ltd. (“Kingate Global”) and Kingate Euro Fund, Ltd. (“Kingate Euro” and together with Kingate Global, the “Kingate Funds”) filed by the Kingate Funds in the above-captioned adversary proceeding; the Court having reviewed the Motion, the Fourth Amended Complaint, and having considered the statements of counsel at a hearing before the Court (the “Hearing”); the Court finding that (a) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) notice of the Motion and the Hearing was sufficient under the circumstances, and (c) the Court having determined that the legal bases set forth in the Motion and at the Hearing and proceedings made to and before the Court establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. The Fourth Amended Complaint is dismissed with prejudice as against the Kingate Funds.
3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Dated: _____, 2014
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE